

REMARKS

The abstract was objected to. The abstract has been amended in accordance with the Examiner's comments and suggestions. Withdrawal of the objection to the abstract is respectfully requested.

Claims 28-36 were rejected. Claims 28-36 remain pending in the present application. For the reasons set forth below, Applicants respectfully request withdrawal of all rejections upon reconsideration.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 28-32, 35, and 36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 4,851,621 to Borchardt et al. ("Borchardt"). It is respectfully submitted that Borchardt fails to disclose or suggest an actuator switch having an inner actuator that "comprises ribs separated by at least one gap", and an outer housing that "comprises a locking-tab, the locking-tab corresponding to the at least one gap for interlocking", as recited by claim 28.

Borchardt relates to handles for operating electrical switching apparatus housed in an enclosure (Borchardt, col. 1, lines 9-11). The Office Action states that Borchardt discloses an actuator switch comprising an inner actuator (26, 46) comprising ribs (compartments on cylinder 46 and the edge of element 26) separated by at least one gap (the gap between slot portion 44 and disk 26), and an outer housing (18, 50) comprises a locking-tab (36), the locking-tab (36) corresponding to the at least one gap for interlocking (Office Action at p. 3-4).

With respect to element 36 of Borchardt, which the Office Action equates with the locking-tab of claim 28, it is respectfully submitted that Borchardt describes element 36 not as a locking-tab, but as a *groove* which receives the lower portion 39 (Borchardt, col. 3, lines 30-43, and Figures 8 and 10, for example) (emphasis added). The groove 36 in Borchardt does not provide any locking-tab functionality at all. The groove 36 is meant merely to receive, and is not meant to provide a locking function as a locking tab of claim 28 would.

Moreover, it is respectfully submitted that Borchardt does not disclose or suggest gaps that are used for interlocking with a locking-tab, as recited by claim 28. The space between the cylindrical portion 46 and the edge of disk shaped portion 26 in Borchardt, as cited in the

Office Action, is completely different than the gap of claim 28, and in fact, is not used for interlocking with any element of the Borchardt device. Thus, Borchardt cannot disclose or suggest a gap that is used for interlocking with a locking-tab.

Based on the foregoing, claim 28 should not be rejected as anticipated by Borchardt, and all claims dependent from claim 28, including claims 29-32, 35, and 36 should not be rejected as anticipated by Borchardt, and are thus patentable for at least the reasons set forth above. Therefore, withdrawal of the rejections of claims 28-32, 35, and 36 under 35 U.S.C. § 102(b) is respectfully requested.

Claim Rejections – 35 U.S.C. § 103(a)

Claim 33 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Borchardt. Claim 33 is dependent on claim 28, and is thus patentable for at least the reasons set forth above. Withdrawal of the rejection of claim 33 under 35 U.S.C. § 103(a) is respectfully requested.

Claim 34 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Borchardt in view of U.S. patent no. 5,949,038 to Amonett (“Amonett”). Claim 34 is dependent on claim 28, and therefore, includes the features described above. Amonett fails to cure the deficiencies of Borchardt. Amonett merely describes an appliance timer with various components, but fails to disclose or suggest an actuator switch having an inner actuator that comprises ribs separated by at least one gap, and an outer housing that comprises a locking-tab, the locking-tab corresponding to the at least one gap for interlocking, as recited by the claims. Thus, claim 34 is patentable for at least the reasons set forth above. Withdrawal of the rejection of claim 34 under 35 U.S.C. § 103(a) is respectfully requested.

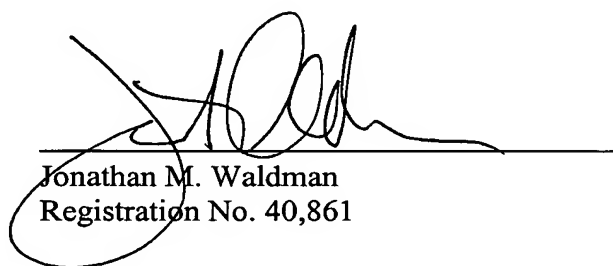
DOCKET NO.: ELSE-0825/B990064
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PATENT

CONCLUSION

In view of the foregoing, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Jonathan M. Waldman at (215) 568-3100, to discuss resolution of any remaining issues.

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